

EXHIBIT C

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

ROBERT A. CATALFAMO, ET AL., v. SEARS HOLDINGS CORPORATION, ET AL., Defendants-Appellees.	Plaintiffs-Appellants, Case No.: 18-3040
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Appellants Robert A. Catalfamo and Lavarita D. Meriwether by and through their undersigned attorneys hereby submit the following Docketing Statement pursuant to Circuit Rules 3(c)(1) and 28(a):

I. JURISDICTIONAL STATEMENT

A. Jurisdiction of the District Court

The United States District Court for the Northern District of Illinois had jurisdiction pursuant to 28 U.S.C. § 1331 because the case is a civil action arising under the laws of the United States and pursuant to ERISA § 502(e)(1), 29 U.S.C. § 1132(e)(1), which provides for federal jurisdiction of actions brought under Title I of the Employee Retirement Income Security Act of 1974 (“ERISA”).

B. Jurisdiction of the Court of Appeals

This appeal is taken from the final decision of the U.S. District Court for the Northern District of Illinois, Eastern Division entered on August 21, 2018, by the Honorable Charles R. Norgle.

The United States Court of Appeals has jurisdiction to decide this case pursuant to 29 U.S.C. § 1291. *See Appellants' Jurisdictional Memorandum*, Ct. App. Dkt. 5; Response to Plaintiffs-Appellants' Jurisdictional Memorandum by Defendants-Appellees Sears Holdings Corporation Administrative Committee, Sears Holdings Corporation Investment Committee, Edward S. Lampert and Michael O'Malley, Ct. App. Dkt. 12.

The Notice of Appeal was filed with the District Court on September 20, 2018.

II. SCOPE OF AUTOMATIC STAY

On October 15, 2018, Sears Holdings Corporation filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of New York. *See In re Sears Holdings Corp.*, Case No. 18-23538 (RDD) (Bankr. S.D.N.Y., filed Oct. 15, 2018).

On October 18, 2018, this Court “ORDERED that all proceedings in this appeal are STAYED pursuant to the automatic stay provision of 11 U.S.C. § 362.” Plaintiffs-Appellants contend that the automatic stay should not extend to non-debtor defendants-appellees Sears Holdings Corporation Administrative Committee, Sears Holdings Corporation Investment Committee, Edward S. Lampert and Michael O’Malley.

In re Caesars Entm’t Operating Co., Inc., 540 B.R. 637, 643 (Bankr. N.D. Ill. 2015) (“courts in this circuit—including the court of appeals—have repeatedly held that the automatic stay does not apply to non-debtors or their property”). Thus, Plaintiffs-Appellants file this Docketing Statement because the appeal should not be deemed stayed as to the non-debtor defendants-appellees.

Dated: October 23, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2018, I electronically filed the foregoing with the U.S. Court of Appeals for the Seventh Circuit by using the Court's CM/ECF system. I certify that all appellate counsel of record to the parties to this appeal are registered with the Court's CM/ECF system. Pursuant to FRAP 25(d)(1)(B), the names of counsel, mailing address and electronic addresses are listed below:

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